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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,223	05/29/2001	Jonathan Barsade	BAR-1	5920

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INNOVAR, LLC
P O BOX 250647
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EXAMINER

RETTA, YEHDEGA

ART UNIT	PAPER NUMBER
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3622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/867,223	Applicant(s) BARSADÉ ET AL.	
	Examiner Yehdega Retta	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed November 22, 2006. Applicant amended claims 1, 3, 17, 20, 24 and 31. Claims 1-42 are currently pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slotznick (US 6,011,537) (hereinafter "537") and further in view of 6,609,146 (US Slotznick) (hereinafter "146").

Regarding claim 1, Slotznick (537) teaches requesting a new network data stream serving up to a second network browser session an advertisement data stream previously stored in a memory of the user computer; downloading the requested new data stream; wherein is served up while the new data stream is being downloaded, the advertisement data stream was downloaded on the memory prior to the step of requesting a new data stream and the first and second browser sessions are the same session or different session (see fig. 7, col. 20 line 32 to col. 21 line 64, col. 22 lines 37-46, col. 24 lines to col. 25 line 7, col. 25 line 40 to col. 26 line 25, col. 29 lines 15-67, col. 35 line 45 to col. 36 line 67).). Slotznick (537) does not explicitly teach downloading to the user computer a displayable status indicator of the concurrent downloading activity of the new network data stream, it is taught in Slotznick (146). Slotznick (146) teaches programs

Art Unit: 3622

posting estimated processing times (particularly for downloads which can take hours). It would have been obvious to one of the ordinary skill in the art at the time of the invention to include such indication, for the intended use of informing the user about the download time (see col. 4 lines 20-28).

Regarding claims 2-10, Slotznick (537) teaches storing the advertisement data stream in the memory of the user computer while waiting for a previous network data stream to download or while a previous data stream was displayed in the browser session, wherein the first and second sessions are the same or different; browser session is a multi-frame window and the advertisement data stream together comprise at least a major portion of the window (see fig. 4-6 and fig. 17, col. 22 lines 31-67, col. 23 lines 1-54, col. 24 lines 11-49, col. 25 line 8 to col. 28 line 24).

Regarding claims 11-16, Slotznick (537) teaches requesting from a server a second advertisement; and storing the advertisement in the memory and deleting (subsequently requested primary information the first advertisement; software that requests the second advertisement; activating one or more links in the advertisement, etc. (see fig. 7, col. 11 lines 7-37, col. 14 line 18 to col. 15 line 36, col. 16 lines 29-62).

Regarding claim 17, Slotznick (537) teaches plural network servers, at least a first server includes plural advertisement data stream stored in a first memory; and at least a second server of which includes plural network data stream in a second memory; a display component, a browser program and an integrated circuit, the browser program and central processing unit can process BA data streams and network data stream for display and the browser program of a first user computer serves up the first BA data stream to a window for display as a first advertisement

Art Unit: 3622

during the approximate period of time that occurs between when the first user computer requests a second network data stream from the secondary server and the second network data stream is completely downloaded onto the first user computer (see fig. 3-9, col. 20 line 32 to col. 21 line 64, col. 22 lines 37-46, col. 24 lines to col. 25 line 7, col. 25 line 40 to col. 26 line 25, col. 29 lines 15-67, col. 35 line 45 to col. 36 line 67). Slotznick (537) does not explicitly teach downloading to the user computer a displayable status indicator of the concurrent downloading activity of the new network data stream, it is taught in Slotznick (146). Slotznick (146) teaches programs posting estimated processing times (particularly for downloads which can take hours). It would have been obvious to one of ordinary skill in the art at the time of the invention to include such indication, for the intended use of informing the user about the download time (see col. 4 lines 20-28).

Regarding claims 18-23, Slotznick (537) teaches the first BA data stream is replaced with a second BA data stream obtained from the first server after the second data stream has been completely downloaded or while the second data stream is being downloaded (see fig. 7); wherein at least one of the data stream comprises of embedded code identifying a specific BA data stream to be downloaded (see col. 31 line 59 to col. 32 line 20); the browser displaying a single window or at least two windows display the first advertisement and the data stream (see fig. 4-6, 10A and 10B).). Slotznick (537) does not explicitly teach downloading to the user computer a displayable status indicator of the concurrent downloading activity of the new network data stream, it is taught in Slotznick (146). Slotznick (146) teaches programs posting estimated processing times (particularly for downloads which can take hours). It would have been obvious

Art Unit: 3622

to one of the ordinary skill in the art at the time of the invention to include such indication, for the intended use of informing the user about the download time (see col. 4 lines 20-28).

Regarding claim 24, Slotznick (537) teaches displaying in the window during the approximate period of time beginning about when user computer requests a first network data stream from a network server and ending about when the first network data stream is downloaded on the user computer and is ready for viewing as a first network data stream in the same or different window of the browser and created from the advertisement data stream previously stored in the memory of the user computer the advertisement data stream having been obtained from the server prior to the point of time in which the user computer requested the data stream; wherein the advertisement portion is viewable, audible or a combination thereof (see fig. 7, col. 12 lines 29-53 col. 20 line 32 to col. 21 line 64, col. 22 lines 37-46, col. 24 lines to col. 25 line 7, col. 25 line 40 to col. 26 line 25, col. 29 lines 15-67, col. 35 line 45 to col. 36 line 67).

Regarding claims 25-30, Slotznick (537) teaches the advertisement comprising a major portion of the window; the advertisement and the data stream in the same window; the data stream comprising embedded code requesting a BA data stream (see col. 31 line 59 to col. 32 line 20); the data stream selected form group consisting of html file, text, graph, etc (see fig. 4-6, 10A and 10B, col. 22 lines 8-17, col. 24 lines 10-19, col. 31 lines 59-67).

Regarding claims 31-33, 41 and 42, Slotznick (537) teaches a servers having a plurality of advertisement (BA) data streams; a server including a data stream wherein at least one data stream includes BA activation code; submitting requests from the use computer to the severs, network data stream that includes activation code, or optionally include the code or which does not include the code (see fig. 12 and col. 29 lines 15-43) and submitting a request for a first BA

Art Unit: 3622

data stream initiated by the code; downloading the data stream; downloading the BA data stream and stored in a memory (see col. 29 lines 15-43, col. 31 line 19 to col. 32 line 14, col. 33 lines 4-22, col. 36 lines 1-9); wherein the data stream is displayed in a first window; wherein the first and second window (display of the BA data stream) is the same (see col. 36 line 10 to col. 38 lines 37, col. 40 line 50 to col. 41 line 9, see also fig. 4-6, 10-13 and 17).). Slotznick (537) does not explicitly teach downloading to the user computer a displayable status indicator of the concurrent downloading activity of the new network data stream, it is taught in Slotznick (146). Slotznick (146) teaches programs posting estimated processing times (particularly for downloads which can take hours). It would have been obvious to one of the ordinary skill in the art at the time of the invention to include such indication, for the intended use of informing the user about the download time (see col. 4 lines 20-28).

Regarding claims 34-37, Slotznick (537) teaches the first and second windows being the same or different and the first window remains open and the second window is closed; stocked, tiled etc. (see col. 14 lines 1-37, col. 15 lines 1-47, col. 24 lines 10-49, col. 36 line 10 to col. 38 lines 37, col. 40 line 50 to col. 41 line 9, see also fig. 4-6, 10-13).

Regarding claim 38, Slotznick (537) teaches the network data stream is superior to the content of the BA (see col. 26 line 39 to col. 27 line 18). Slotznick teaches priority given to the primary information to be displayed.

Regarding claim 39, Slotznick (537) teaches at least one use computer comprises of a second BA data stream prior to submitting the request for a first network data stream (see col. 25 line 39 to col. 26 line 18).

Response to Arguments

Applicant's arguments with respect to claims 1-42 have been considered but are moot in view of the new ground(s) of rejection. As indicated above Slotznick (146) teaches providing an indication of the estimated download time, same as applicant's invention.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

Art Unit: 3622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YR


RETTA YEHDEGA
PRIMARY EXAMINER